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Docket No.: SON-1846/STP
(80001-1846)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shigeyuki KAWAI et al.

Confirmation No.: 6806

Application No.: 09/720,079

Art Unit: 3621

Filed: December 20, 2000

Examiner: B. B. Bayat

For: ELECTRONIC MONEY SYSTEM AND
ELECTRONIC MONEY TERMINAL

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF (37 C.F.R. 41.37)

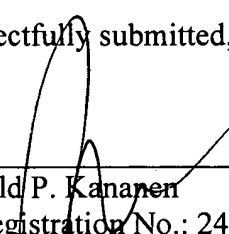
MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

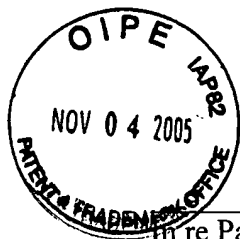
This is in response to the Notice of Non-Compliant Appeal Brief (37 C.F.R. 41.37) mailed on October 31, 2005. A revised Appellant's Brief is provided in response to the Notice. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: November 4, 2005

Respectfully submitted,

By 

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APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is an Appeal Brief under 37 C.F.R. §41.37 appealing the final decision of the Examiner dated April 21, 2005. Each of the topics required by 37 C.F.R. §41.37 is presented herewith and is labeled appropriately.

This brief is in furtherance of the Final Office Action on April 21, 2005.

A Notice of Appeal has been filed in this case on June 17, 2005.

I. REAL PARTY IN INTEREST

Sony Corporation of Tokyo, Japan ("Sony") is the real party in interest of the present application. An assignment of all rights in the present application to Sony was executed by the inventor and recorded by the U.S. Patent and Trademark Office at **reel 011755, frame 0285**.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

1-17. (canceled);

Claims 18-40 (rejected).

IV. STATUS OF AMENDMENTS

No amendment has been filed subsequent to the final rejection of April 21, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following description is provided for illustrative purposes and is not intended to limit the scope of the invention.

The present invention relates to an electronic money system and electronic money terminal. It is preferably applied to electronic money systems and electronic money terminals that use information cards storing amount data on them.

Shown within figure 1 is an electronic money terminal 25_x that receives electronic money log data from an electronic device 50, wherein the electronic money log data D23 includes electronic money D23₇ (Specification at Figure 15A, page 24). In step SP21, the electronic money terminal 25_x receives a payment method indication that indicates payment of the transaction amount using electronic money or installment payments (Specification at Figure 14, page 18, lines 22-24). The electronic money terminal 25_x receives a transaction amount in step SP102 (Specification at page 22, lines 9-10).

In step SP103, the electronic money terminal 25_x updates the electronic money log data with the transaction amount when the payment method indication indicates the payment by installment payments (Specification at page 22). The updated electronic money log data is stored within the electronic money terminal 25_x in step SP103, and the electronic device 50 stores the updated electronic money log data in step SP28 (Specification at page 22, line 24 to page 23, line 2).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues presented for consideration in this appeal are as follows:

Whether the Examiner erred in rejecting claims 8-40 under 35 U.S.C. §102 as allegedly being anticipate by U.S. Patent No. 6,058,382 to Kasai et al. (Kasai).

This issue will be discussed hereinbelow.

VII. ARGUMENT

In the Final Office Action of April 21, 2005:

The Examiner erred in rejecting claims 8-40 under 35 U.S.C. §102 as allegedly being anticipate by Kasai.

For at least the following reasons, Appellant submits that this rejection is both technically and legally unsound and should therefore be reversed.

Claims 18-40 are currently pending in this application, with claims 18 and 31 being independent. The arguments set forth in the following section provide reasons why these claims are considered patentable, 37 C.F.R. §41.37(c)(1)(vii).

The Examiner erred in rejecting claims 8-40 under 35 U.S.C. §102 as allegedly being anticipate by Kasai.

This rejection is traversed at least for the following reasons.

For purposes of the issues presented by this appeal, claims 18, 21, 25, 26, 28, 29 stand or fall together.

Claim 18 and the claims dependent thereon include the features of:

a plurality of electronic money terminals, an electronic money terminal of said plurality of electronic money terminals receiving electronic money log data from an electronic device, said electronic money log data including electronic money,

for the purchase of a commodity or the reception of a service, said electronic money terminal receiving a transaction amount and a payment method indication, said transaction amount being said purchase price of said commodity or the monetary value of said service, said payment method indication indicating payment of said transaction amount using said electronic money or installment payments,

wherein said electronic money terminal updates said electronic money log data with said transaction amount when said payment method indication indicates said payment by said installment payments,

wherein said updated electronic money log data is stored within said electronic money terminal, and

wherein said electronic device stores said updated electronic money log data.

As an initial matter, the Office Action fails to identify with particularity the elements within Kasai that are intended to correspond with those found within the claimed invention of the Appellant's application. In this regard, the Office Action is incomplete.

Kasai arguably teaches an electronic money holding device utilizing an automatic payment method having an electronic money terminal 7, 9 (Kasai at Figure 1, column 2, line 59).

Kasai arguably teaches an electronic device 10 and electronic money log data 11, 13 (Kasai at Figure 1, column 4, lines 17-18). A main part of the IC card is a portion 11 provided with a storage unit for storing an identification number uniquely applied to each of all IC cards and the balance of held electronic money, and a central processing unit for storing and executing a procedure for performing the reference to and the updating of the balance, and a procedure for controlling the transfer of electronic money between this IC card 10 and another electronic money holding device (Kasai at column 3, lines 24-31).

Kasai arguably teaches information indicative of whether or not an automatic payment is to be made (Kasai at column 3, lines 42-43).

Kasai arguably teaches that a settled-payment record in the payment data 15 is erased (step 30) (Kasai at Figure 2, column 5, lines 10-12).

Kasai fails to disclose, teach, or suggest that for the purchase of a commodity or the reception of a service, electronic money terminal 7, 9 receive a transaction amount *and a payment method indication*.

Kasai fails to disclose, teach, or suggest that the electronic money terminal 7, 9 updates the electronic money log data 11, 13 *with a transaction amount when the payment method indication indicates the payment by the installment payments*.

Kasai arguably teaches the electronic money log data 11, 13 including electronic money (Kasai at column 3, lines 24-27).

However, Kasai fails to disclose, teach, or suggest updated electronic money log data being stored within the electronic money terminal 7, 9 along with the electronic device 10 storing the updated electronic money log data.

For purposes of the issues presented by this appeal, claim 19 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 18 and for the following reasons.

Within claim 19, said electronic money terminal updates said electronic money log data by decrementing said electronic money in the amount of said transaction amount when said payment method indication indicates said payment by said electronic money.

The Office Action cites column 3, lines 20-34 and columns 5-6 for this feature. In this regard, Kasai arguably teaches that a settled-payment record in the payment data 15 is erased (step 30), thereby completing the execution of the procedure (Kasai at column 5, lines 10-12).

However, Kasai fails to disclose, teach, or suggest updating the money chip 11.

For purposes of the issues presented by this appeal, claim 20 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 19 and for the following reasons.

Within claim 20, when said transaction amount is greater than said electronic money, the difference between said transaction amount and said electronic money is stored within said electronic money terminal as credit card transaction information.

Kasai arguably teaches that read balance (A) and the total amount payable (B) determined in step 27 shown in FIG. 2 are compared (step 42) (Kasai at column 5, lines 22-24). However, Kasai fails to disclose, teach, or suggest that the difference between the transaction amount and the electronic money is stored within the electronic money terminal as credit card transaction information.

For purposes of the issues presented by this appeal, claim 22 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 21 and for the following reasons.

Within claim 22, said electronic money management block calculates the sum total transaction amounts for said electronic device during a particular time interval.

However, a calculation during a particular time interval is absent from within Kasai.

For purposes of the issues presented by this appeal, claim 23 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 21 and for the following reasons.

Within claim 23, said electronic money management block sends to a bank or credit company the sum total amount of credit card transaction information for said electronic device during a particular time interval.

However, a calculation during a particular time interval is absent from within Kasai.

For purposes of the issues presented by this appeal, claim 24 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 18 and for the following reasons.

Within claim 24, said electronic money terminal stores therein electronic money log data for prior usages of said electronic device.

Kasai arguably teaches that the IC card 10 in the present embodiment is provided with a contract data table 13 for storing that payment data 15 for each of one or more contracts concluded between a user of the IC card 10 (or a service buyer) and a service provider which includes a contract date, a contract merchandise name, an amount payable from the service buyer to the service provider, a due date for payment of that amount, information indicative of whether or not an automatic payment is to be made, and so forth (Kasai at column 3, lines 35-43).

Kasai fails to disclose, teach, or suggest electronic money terminal 7, 9 storing therein electronic money log data for prior usages of the electronic device.

For purposes of the issues presented by this appeal, claim 27 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 18 and for the following reasons.

Claim 27 includes a deposit terminal that receives currency and transmits amount data to said electronic device, said amount data representing the monetary value of said currency being transmitted, said electronic device using said amount data to increment electronic money in the amount of said monetary value.

However, a deposit terminal that receives currency and transmits amount data to the electronic device is not found within Kasai.

For purposes of the issues presented by this appeal, claim 30 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove and for the following reasons.

Within claim 30, said information card is a contactless information card that sends and receives said electronic money log data in a contactless manner.

Conversely, Kasai provides that it may be constructed such that a password inputted by a user from the computer 7 is stored into the table 14 of the IC card 10 when the IC card 10 is inserted into the IC card reader/writer 9 (Kasai at column 3, line 67 to column 4, line 3).

Within Kasai, it is supposed that the IC card 10 of the user is always placed in a state in which it is inserted in the reader/writer 9 (Kasai at column 4, lines 62-63).

In the case where the user uses the IC card which he or she carries habitually in lieu of cash, it is necessary to activate the automatic payment control procedure after the insertion of the IC card 10 into the reader/writer 9 (Kasai at column 6, lines 32-35).

However, Kasai fails to disclose, teach, or suggest that an information card is a contactless information card that sends and receives said electronic money log data in a contactless manner.

For purposes of the issues presented by this appeal, claims 31, 34, 37, 39 stand or fall together.

Claim 31 and the claims dependent thereon include the steps of:

receiving electronic money log data from an electronic device, said electronic money log data including electronic money, an electronic money terminal of a plurality of electronic money terminals receiving said electronic money log data;

receiving a transaction amount for the purchase of a commodity or the monetary value of a service;

receiving a payment method indication for said purchase of said commodity or the payment of said service, said payment method indication indicating payment of said transaction amount using said electronic money or installment payments;

updating said electronic money log data with said transaction amount when said payment method indication indicates said payment by said installment payments;

storing said updated electronic money log data within said electronic money terminal;
and

storing said updated electronic money log data within said electronic device,

wherein said electronic money terminal updating said electronic money log data.

As noted hereinabove, the Office Action fails to identify with particularity the elements within Kasai that are intended to correspond with those found within the claimed invention of the Appellant's application. In this regard, the Office Action is incomplete.

Kasai arguably teaches an electronic money holding device utilizing an automatic payment method having an electronic money terminal 7, 9 (Kasai at Figure 1, column 2, line 59).

Kasai arguably teaches an electronic device 10 and electronic money log data 11, 13 (Kasai at Figure 1, column 4, lines 17-18). A main part of the IC card is a portion 11 provided with a storage unit for storing an identification number uniquely applied to each of all IC cards and the balance of held electronic money, and a central processing unit for storing and executing a procedure for performing the reference to and the updating of the balance, and a procedure for controlling the transfer of electronic money between this IC card 10 and another electronic money holding device (Kasai at column 3, lines 24-31).

Kasai arguably teaches information indicative of whether or not an automatic payment is to be made (Kasai at column 3, lines 42-43).

Kasai arguably teaches that a settled-payment record in the payment data 15 is erased (step 30) (Kasai at Figure 2, column 5, lines 10-12).

Kasai fails to disclose, teach, or suggest that for the purchase of a commodity or the reception of a service, electronic money terminal 7, 9 receive a transaction amount *and a payment method indication*.

Kasai fails to disclose, teach, or suggest that the electronic money terminal 7, 9 updates the electronic money log data 11, 13 *with a transaction amount when the payment method indication indicates the payment by the installment payments.*

Kasai arguably teaches the electronic money log data 11, 13 including electronic money (Kasai at column 3, lines 24-27).

However, Kasai fails to disclose, teach, or suggest updated electronic money log data being stored within the electronic money terminal 7, 9 along with the electronic device 10 storing the updated electronic money log data.

For purposes of the issues presented by this appeal, claim 32 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 31 and for the following reasons.

Claim 32 includes the step of updating said electronic money log data by decrementing said electronic money in the amount of said transaction amount when said payment method indication indicates said payment by said electronic money.

The Office Action cites column 3, lines 20-34 and columns 5-6 for this step. In this regard, Kasai arguably teaches that a settled-payment record in the payment data 15 is erased (step 30), thereby completing the execution of the procedure (Kasai at column 5, lines 10-12).

However, Kasai fails to disclose, teach, or suggest updating the money chip 11.

For purposes of the issues presented by this appeal, claim 33 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 31 and for the following reasons.

Claim 33 includes the step of storing the difference between said transaction amount and said electronic money within said electronic money terminal as credit card transaction information when said transaction amount is greater than said electronic money.

Kasai arguably teaches that read balance (A) and the total amount payable (B) determined in step 27 shown in FIG. 2 are compared (step 42) (Kasai at column 5, lines 22-24).

However, Kasai fails to disclose, teach, or suggest that the difference between the transaction amount and the electronic money is stored within the electronic money terminal as credit card transaction information.

For purposes of the issues presented by this appeal, claim 35 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 21 and for the following reasons.

Claim 35 includes the step of calculating the sum total transaction amounts for said electronic device during a particular time interval.

However, a calculation during a particular time interval is absent from within Kasai.

For purposes of the issues presented by this appeal, claim 36 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 34 and for the following reasons.

Claim 36 includes the step of sending to a bank or credit company the sum total amount of credit card transaction information for said electronic device during a particular time interval.

Kasai arguably teaches that the IC card 10 in the present embodiment is provided with a contract data table 13 for storing that payment data 15 for each of one or more contracts concluded between a user of the IC card 10 (or a service buyer) and a service provider which includes a contract date, a contract merchandise name, an amount payable from the service buyer to the service provider, a due date for payment of that amount, information indicative of whether or not an automatic payment is to be made, and so forth (Kasai at column 3, lines 35-43).

Kasai fails to disclose, teach, or suggest electronic money terminal 7, 9 storing therein electronic money log data for prior usages of the electronic device.

For purposes of the issues presented by this appeal, claim 38 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 31 and for the following reasons.

Claim 38 includes the step of receiving electronic money log data from another electronic device.

However, another electronic device is not found within Kasai.

For purposes of the issues presented by this appeal, claim 40 stands or falls alone.

The rejection of this claim is traverse at least for the reasons provided hereinabove with respect to claim 31 and for the following reasons.

Claim 40 includes the steps of receiving currency; transmitting amount data to said electronic device, said amount data representing the monetary value of said currency being transmitted; and using said amount data to increment electronic money in the amount of said monetary value.

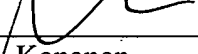
However, these steps are absent from within Kasai.

Conclusion

The claims are considered allowable for the same reasons discussed above, as well as for the additional features they recite. Reversal of the Examiner's decision is respectfully requested.

Dated: November 4, 2005

Respectfully submitted,

By 
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CLAIMS APPENDIX

1-17. (canceled)

18. (previously presented) An electronic money system comprising:

a plurality of electronic money terminals, an electronic money terminal of said plurality of electronic money terminals receiving electronic money log data from an electronic device, said electronic money log data including electronic money,

for the purchase of a commodity or the reception of a service, said electronic money terminal receiving a transaction amount and a payment method indication, said transaction amount being said purchase price of said commodity or the monetary value of said service, said payment method indication indicating payment of said transaction amount using said electronic money or installment payments,

wherein said electronic money terminal updates said electronic money log data with said transaction amount when said payment method indication indicates said payment by said installment payments,

wherein said updated electronic money log data is stored within said electronic money terminal, and

wherein said electronic device stores said updated electronic money log data.

19. (previously presented) The electronic money system according to claim 18, wherein said electronic money terminal updates said electronic money log data by decrementing said electronic money in the amount of said transaction amount when said payment method indication indicates said payment by said electronic money.

20. (previously presented) The electronic money system according to claim 19, wherein, when said transaction amount is greater than said electronic money, the difference between said transaction amount and said electronic money is stored within said electronic money terminal as credit card transaction information.

21. (previously presented) The electronic money system according to claim 20, further comprising:

an electronic money management block that captures electronic money log data stored within each money terminal of said plurality of electronic money terminals.

22. (previously presented) The electronic money system according to claim 21, wherein said electronic money management block calculates the sum total transaction amounts for said electronic device during a particular time interval.

23. (previously presented) The electronic money system according to claim 21, wherein said electronic money management block sends to a bank or credit company the sum total amount of credit card transaction information for said electronic device during a particular time interval.

24. (previously presented) The electronic money system according to claim 18, wherein said electronic money terminal stores therein electronic money log data for prior usages of said electronic device.

25. (previously presented) The electronic money system according to claim 18, wherein said electronic money terminal receives electronic money log data from another electronic device.

26. (previously presented) The electronic money system according to claim 18, wherein said electronic money terminal receives other electronic money log data from said electronic device.

27. (previously presented) The electronic money system according to claim 18, further comprising:

a deposit terminal that receives currency and transmits amount data to said electronic device, said amount data representing the monetary value of said currency being transmitted, said electronic device using said amount data to increment electronic money in the amount of said monetary value.

28. (previously presented) The electronic money system according to claim 18, wherein said electronic device is a portable terminal.

29. (previously presented) The electronic money system according to claim 18, wherein said electronic device is an information card.

30. (previously presented) The electronic money system according to claim 29, wherein said information card is a contactless information card that sends and receives said electronic money log data in a contactless manner.

31. (previously presented) A transaction method using an electronic money system, the method comprising:

receiving electronic money log data from an electronic device, said electronic money log data including electronic money, an electronic money terminal of a plurality of electronic money terminals receiving said electronic money log data;

receiving a transaction amount for the purchase of a commodity or the monetary value of a service;

receiving a payment method indication for said purchase of said commodity or the payment of said service, said payment method indication indicating payment of said transaction amount using said electronic money or installment payments;

updating said electronic money log data with said transaction amount when said payment method indication indicates said payment by said installment payments;

storing said updated electronic money log data within said electronic money terminal;
and

storing said updated electronic money log data within said electronic device,

wherein said electronic money terminal updating said electronic money log data.

32. (previously presented) The transaction method according to claim 31, further comprising:

updating said electronic money log data by decrementing said electronic money in the amount of said transaction amount when said payment method indication indicates said payment by said electronic money.

33. (previously presented) The transaction method according to claim 31, further comprising:

storing the difference between said transaction amount and said electronic money within said electronic money terminal as credit card transaction information when said transaction amount is greater than said electronic money.

34. (previously presented) The electronic money system according to claim 33, further comprising:

capturing electronic money log data stored within each money terminal of said plurality of electronic money terminals.

35. (previously presented) The transaction method according to claim 34, further comprising:

calculating the sum total transaction amounts for said electronic device during a particular time interval.

36. (previously presented) The transaction method according to claim 34, further comprising:

sending to a bank or credit company the sum total amount of credit card transaction information for said electronic device during a particular time interval.

37. (previously presented) The transaction method according to claim 31, further comprising:

storing electronic money log data for prior usages of said electronic device.

38. (previously presented) The transaction method according to claim 31, further comprising:

receiving electronic money log data from another electronic device.

39. (previously presented) The transaction method according to claim 31, further comprising:

receiving other electronic money log data from said electronic device.

40. (previously presented) The transaction method according to claim 31, further comprising:

receiving currency;

transmitting amount data to said electronic device, said amount data representing the monetary value of said currency being transmitted; and

using said amount data to increment electronic money in the amount of said monetary value.

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EVIDENCE APPENDIX

No additional evidence is provided along with this brief.